

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:09cr17-GCM**

UNITED STATES OF AMERICA,)
)
)
)
)
v.)
)
ALBERT CHARLES BURGESS,)
)
)
)
)

)

THIS MATTER is before the Court on remand from the Fourth Circuit following a finding that the original amount of restitution ordered by the Court be vacated. *United States v. Burgess*, 684 F.3d 445, 460 (4th Cir. 2012). The Fourth Circuit has remanded the case “for an individualized determination of proximate causation and, if such causation is found, for a restitution award consistent with the principles expressed in [the Fourth Circuit’s] opinion.” *Id.*

In light of the recent Supreme Court holding in *Paroline v. United States.*, 134 S. Ct. 1710 (2014), regarding the interpretation of causation pertaining to 18 U.S.C. § 2259, this Court directs each party to submit a brief addressing the effect of *Paroline* and *Burgess* on the resentencing.

IT IS, THEREFORE, ORDERED that the Government and the Defendant submit briefs to the Court addressing the effect of *Paroline* in conjunction with the Fourth Circuit’s decision in *Burgess* on the remand order. Each party’s brief must be submitted within forty-five (45) days of entry of this Order and must be no longer than fifteen (15) pages in length. Sentencing in this case

will be scheduled thereafter.

Signed: July 1, 2014



A handwritten signature in black ink, appearing to read "Graham C. Mullen". The signature is fluid and cursive, with a horizontal line underneath it.

Graham C. Mullen
United States District Judge

